

105TH CONGRESS  
1ST SESSION

# S. 323

To amend title 4, United States Code, to declare English as the official language of the Government of the United States.

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## IN THE SENATE OF THE UNITED STATES

FEBRUARY 13, 1997

Mr. SHELBY (for himself, Mr. BYRD, Mr. COVERDELL, Mr. CRAIG, Mr. FAIRCLOTH, Mr. GREGG, Mr. HELMS, Mr. HUTCHINSON, Mr. INHOFE, Mr. LUGAR, Mr. SANTORUM, Mr. THURMOND, Mr. SESSIONS, Mr. COCHRAN, Mr. MURKOWSKI, Mr. ENZI, and Mr. HAGEL) introduced the following bill; which was read twice and referred to the Committee on Governmental Affairs

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## A BILL

To amend title 4, United States Code, to declare English as the official language of the Government of the United States.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

### 3   **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Language of Govern-  
5   ment Act of 1997”.

### 6   **SEC. 2. FINDINGS AND CONSTRUCTION.**

7       (a) FINDINGS.—The Congress finds and declares  
8   that—

1           (1) the United States is comprised of individ-  
2           uals and groups from diverse ethnic, cultural, and  
3           linguistic backgrounds;

4           (2) the United States has benefited and contin-  
5           ues to benefit from this rich diversity;

6           (3) throughout the history of the Nation, the  
7           common thread binding those of differing back-  
8           grounds has been a common language;

9           (4) in order to preserve unity in diversity, and  
10          to prevent division along linguistic lines, the United  
11          States should maintain a language common to all  
12          people;

13          (5) English has historically been the common  
14          language and the language of opportunity in the  
15          United States;

16          (6) the purpose of this Act is to help immi-  
17          grants better assimilate and take full advantage of  
18          economic and occupational opportunities in the Unit-  
19          ed States;

20          (7) by learning the English language, immi-  
21          grants will be empowered with the language skills  
22          and literacy necessary to become responsible citizens  
23          and productive workers in the United States;

1           (8) the use of a single common language in the  
2       conduct of the Federal Government's official busi-  
3       ness will promote efficiency and fairness to all peo-  
4       ple;

5           (9) English should be recognized in law as the  
6       language of official business of the Federal Govern-  
7       ment; and

8           (10) any monetary savings derived by the Fed-  
9       eral Government from the enactment of this Act  
10      should be used for the teaching of non-English  
11      speaking immigrants the English language.

12      (b) CONSTRUCTION.—The amendments made by sec-  
13      tion 3—

14           (1) are not intended in any way to discriminate  
15      against or restrict the rights of any individual in the  
16      United States;

17           (2) are not intended to discourage or prevent  
18      the use of languages other than English in any non-  
19      official capacity; and

20           (3) except where an existing law of the United  
21      States directly contravenes the amendments made by  
22      section 3 (such as by requiring the use of a language  
23      other than English for official business of the Gov-  
24      ernment of the United States), are not intended to  
25      repeal existing laws of the United States.

1 **SEC. 3. ENGLISH AS THE OFFICIAL LANGUAGE OF GOVERN-**  
 2 **MENT.**

3 (a) IN GENERAL.—Title 4, United States Code, is  
 4 amended by adding at the end the following new chapter:

5 **“CHAPTER 6—LANGUAGE OF THE**  
 6 **GOVERNMENT**

“Sec.

“161. Declaration of official language of Government.

“162. Preserving and enhancing the role of the official language.

“163. Official Government activities in English.

“164. Standing.

“165. Definitions.

7 **“§ 161. Declaration of official language of Govern-**  
 8 **ment**

9 “The official language of the Government of the  
 10 United States is English.

11 **“§ 162. Preserving and enhancing the role of the offi-**  
 12 **cial language**

13 “The Government shall have an affirmative obligation  
 14 to preserve and enhance the role of English as the official  
 15 language of the United States Government. Such obliga-  
 16 tion shall include encouraging greater opportunities for in-  
 17 dividuals to learn the English language.

18 **“§ 163. Official Government activities in English**

19 “(a) CONDUCT OF BUSINESS.—The Government  
 20 shall conduct its official business in English.

21 “(b) DENIAL OF SERVICES.—No person shall be de-  
 22 nied services, assistance, or facilities, directly or indirectly

1 provided by the Government solely because the person  
 2 communicates in English.

3 “(c) ENTITLEMENT.—Every person in the United  
 4 States is entitled to—

5 “(1) communicate with the Government in Eng-  
 6 lish;

7 “(2) receive information from or contribute in-  
 8 formation to the Government in English; and

9 “(3) be informed of or be subject to official or-  
 10 ders in English.

#### 11 **“§ 164. Standing**

12 “Any person alleging injury arising from a violation  
 13 of this chapter shall have standing to sue in the courts  
 14 of the United States under sections 2201 and 2202 of title  
 15 28, United States Code, and for such other relief as may  
 16 be considered appropriate by the courts.

#### 17 **“§ 165. Definitions**

18 “For purposes of this chapter:

19 “(1) GOVERNMENT.—The term ‘Government’  
 20 means all branches of the Government of the United  
 21 States and all employees and officials of the Govern-  
 22 ment of the United States while performing official  
 23 business.

1           “(2) OFFICIAL BUSINESS.—The term ‘official  
2       business’ means those governmental actions, docu-  
3       ments, or policies which are enforceable with the full  
4       weight and authority of the Government, but does  
5       not include—

6                   “(A) teaching of foreign languages;

7                   “(B) actions, documents, or policies that  
8       are not enforceable in the United States;

9                   “(C) actions, documents, or policies nec-  
10      essary for international relations, trade, or com-  
11      merce;

12                  “(D) actions or documents that protect the  
13      public health;

14                  “(E) actions that protect the rights of vic-  
15      tims of crimes or criminal defendants; and

16                  “(F) documents that utilize terms of art or  
17      phrases from languages other than English.”.

18       (b) CONFORMING AMENDMENT.—The table of chap-  
19      ters for title 4, United States Code, is amended by adding  
20      at the end the following new item:

**“6. Language of the Government ..... 161”.**

21      **SEC. 4. PREEMPTION.**

22       This Act (and the amendments made by this Act)  
23      shall not preempt any law of any State.

1 **SEC. 5. EFFECTIVE DATE.**

2       The amendments made by section 3 shall take effect  
3 upon the date of enactment of this Act, except that no  
4 suit may be commenced to enforce or determine rights  
5 under the amendments until January 1, 1996.

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